

U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOHN L. BEALES
101 East Mill Street
Plymouth, WI 53073

Plaintiff,

VS.

CITY OF PLYMOUTH
128 Smith Street
Plymouth, WI 53073

DONN DAVIS
2570 Babcock Street
Plymouth, WI 53073

JEFFREY TAUSCHECK
With office at
128 Smith Street
Plymouth, WI 53073

DALE LENGILING
936 Driefurst Road
Plymouth, WI 53073

DAVID KOBALL
With office at
128 Smith Street
Plymouth, WI 53073

GERALD BRACHMANN
104 W. Clifford
Plymouth, WI 53073

PAUL HAAG
With office at
128 Smith Street
Plymouth, WI 53073

DAWN KLISTER
1055 Mockingbird Lane
Plymouth, WI 53073

08 APR 28 P1:42

JON W. SANFILIPPO
CLERK

Case No. 08-C-0355

MATTHEW STARKER
With office at
128 Smith Street
Plymouth, WI 53073

Defendants

COMPLAINT AND DEMAND FOR JURY TRIAL

Now comes the above named Plaintiff, John L. Beales and for a cause of action against the above named Defendants, alleges as follows:

NATURE AND CAUSE OF ACTION

- 1 This is a civil action brought against the above named individuals, who as individuals, acting illegally, and without authority, and for profit, used their offices as members of the Plymouth Police Department to deny Plaintiff effective police protection, and to target Plaintiff, Plaintiff's business, Plaintiff's employees and Plaintiff's customers for rigid enforcement of ordinances and statutes, while failing to cite or prosecute the ordinance and statutory violations of Plaintiff's competitor, Defendant Lengling, an officer, and now former officer, of the Plymouth police, and while failing to cite or prosecute violations committed by the employees and customers of Defendant Lengling. The violations of law committed by and encouraged by the individual defendants included activities defined as racketeering under federal Racketeer Influenced and Corrupt Organization statutes. The named individuals used their positions with the Plymouth Police Department, in an illegal, discriminatory and unequal manner to promote the business interests, including illegal activities, of Defendant Lengling, at the expense of Plaintiff's business and Plaintiff's rights. These actions constitute a violation of Plaintiff's Constitutional right to equal protection under the law.
2. In the alternate, the allegations stated above are hereby incorporated, and it is alleged that, at times, the above named individuals acted as employees and agents of the City of Plymouth, and under color of their positions within the Plymouth

Police Department, and that Defendant City of Plymouth is liable for their actions and the violations of Plaintiff's Constitutional rights.

JURISDICTION AND VENUE

3. This Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1331 to 42 U.S.C. § 1983 for violation of rights afforded Plaintiff under the Constitution and laws of the United States. Jurisdiction is further granted under 18 U.S.C. §§ 1861-1868 the Racketeer Influenced and Corrupt Organizations Act.
4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(1).

PARTIES

5. Plaintiff, John L. Beales is an adult resident of Sheboygan County, Wisconsin, residing at 101 East Mill Street Plymouth, WI 53073
6. Defendant, City of Plymouth, is a body politic, located in Sheboygan County, Wisconsin, with its main office located at 128 Smith Street, Plymouth, WI 53073
7. Defendant, Dale Lengling is an adult resident of Sheboygan County, WI, residing at 936 Driefurst Road, Plymouth, WI 53073, and doing business as both Cozy Tavern and Turner Hall, both of said taverns being located in Plymouth, WI.
8. Defendant, Donn Davis is an adult resident of Sheboygan County, WI., residing at 2570 Babcock Street, Plymouth, WI 53073
9. Defendant Jeffrey Tauscheck is an adult resident of Sheboygan County, WI., maintaining an office at 128 Smith Street, Plymouth, WI 53073
10. Defendant David Koball is an adult resident of Sheboygan County, WI., maintaining an office at 128 Smith Street, Plymouth, WI 53073

11. Defendant Gerald Brachmann is an adult resident of Sheboygan County, WI., residing at 104 W. Clifford, Plymouth, WI. 53073
12. Defendant Dawn Klistner is an adult resident of Sheboygan County, WI., residing at 1055 Mockingbird Lane, Plymouth, WI. 53073
13. Defendant Paul Haag is an adult resident of Sheboygan County, WI., maintaining an office at 128 Smith Street, Plymouth, WI 53073
14. Defendant Matthew Starker is an adult resident of Sheboygan County, WI., maintaining an office at 128 Smith Street, Plymouth, WI 53073

FACTUAL ALLEGATIONS

15. Individually named Defendants engaged in a continuous pattern of Misconduct that worked to deny the Plaintiff the effective police protection that is afforded similarly situated businesses and individuals in the City of Plymouth, Wisconsin.
16. The pattern of misconduct included failure of police officers to timely respond to calls for assistance at Plaintiff's business, and failure to investigate or charge crimes against Plaintiff's business.
17. Individually named defendants engaged in a continuous pattern of misconduct by targeting Plaintiff's business, Plaintiff's employees and Plaintiff's customers for enforcement of ordinances and statutes while routinely ignoring violations of the same ordinances and statutes by owners customers and employees of similarly situated businesses
18. This pattern of misconduct included calling for and conducting an investigation of Plaintiff's business for gambling violations while

participating in, ignoring, and actively hiding criminal gambling violations at similarly situated, but police-owned businesses.

19. This pattern of misconduct included continuous observation of Plaintiff's clientele and zealous application of statutes against that clientele, while ignoring violations committed by clientele at the similarly situated but police-owned business.

RELIEF REQUESTED

Wherefore, Plaintiff seeks damages as follows:

20. Compensatory damages in the amount of seven hundred fifty-six thousand dollars (\$756,000),
21. Statutory triple damages from those individually named defendants that were involved in the operation or protection of Defendant Lengling's illegal gambling operation in the amount of two million two hundred sixty-eight thousand dollars (\$2,268,000),
22. Punitive damages in the amount of five million dollars (\$5,000,000),
23. Such other relief as is statutorily prescribed under 18 U.S.C. §§ 1861-1868, and
24. Such other relief as the Court deems just and reasonable

JURY DEMAND

25. Plaintiff requests trial by jury.

Dated at Plymouth, Wisconsin, this 25 day of April, 2008

By: 

John L. Beales
Plaintiff

P.O. Address
101 East Mill Street
Plymouth, Wisconsin 53073
Tel : (920) 892-9431